

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

Jordan Schwyhart, *on behalf of*)
himself and others similarly situated,)
) Case No. 2:15-cv-01175-JEO
Plaintiff,)
)
v.) **UNOPPOSED**
)
AmSher Collection Services, Inc.,)
)
Defendant.)

**PLAINTIFF'S UNOPPOSED MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Jordan Schwyhart respectfully moves this Court to approve his class action settlement with AmSher Collection Services, Inc. ("AmSher"), on behalf of himself and the following class and subclass:

Injunctive Class

All individuals who, from July 13, 2011 through and including October 20, 2016, were called by AmSher on their cellular telephones, or any other service for which the individual was charged, with equipment alleged to be an automatic telephone dialing system, or allegedly with an artificial or pre-recorded voice, where it is alleged there was no prior express consent to make the call.

Damages Subclass

The individuals identified in the Damages Class List who, between May 1, 2015 and July 31, 2015, received a telephone call from AmSher to a cellular telephone, or any other service for which the called party was charged, made with equipment alleged to be an automatic telephone

dialing system, or allegedly with an artificial or pre-recorded voice, where it is alleged there was no prior express consent to make the call.

More than 3,400 Damages Subclass Members submitted valid claims to participate in the settlement, which requires AmSher to create a non-reversionary cash settlement fund of \$970,000, as well as make important changes to its calling practices. No Class Members excluded themselves from the settlement, nor did any Class Members object to any aspect of the settlement.

Given, therefore, the excellent result achieved here, and considering the universal support for the settlement, Mr. Schwyhart now asks this Court to finally approve the settlement as fair, reasonable, and adequate, and enter a final judgment and order, which, among all else: (1) confirms this Court's certification of the class and subclass; (2) finds that the notice of the settlement issued to members of the class satisfies Rule 23 and due process, and that the notice issued to state and federal officials satisfied 28 U.S.C. § 1715; (4) approves an award of attorneys' fees of one-third of the settlement fund, or \$323,333.33; (5) approves the reimbursement of litigation costs and expenses totaling \$5,575.04; and (7) approves an incentive award to Mr. Schwyhart in the amount of \$10,000.

AmSher does not oppose Mr. Schwyhart's request.

Date: February 15, 2017

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s/ Aaron D. Radbil

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Class counsel

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed electronically on February 15, 2017, via the Court Clerk's CM/ECF system, which will provide notice to all counsel of record.

s/ Aaron D. Radbil
Aaron D. Radbil